

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-12177-MLW

LARRY PIONE )  
Plaintiff, )  
 )  
v. )  
 )  
MASSACHUSETTS PORT )  
AUTHORITY, )  
 )  
Defendant )

**JOINT STATEMENT OF THE PARTIES**  
**PURSUANT TO LOCAL RULE 16.1**

The parties to the above entitled action through their respective counsel have conferred with regard to a pretrial scheduled and hereby submit the following joint discovery plan, and proposed schedule for the filing of motions:

## Joint Discovery Plan

The parties have agreed that each party shall have the right to:

- pose 25 interrogatories to the other party and shall pose those no later than November 14, 2005.
- pose 25 requests for production of documents and shall pose those no later than November 14, 2005.
- each party shall have until January 4, 2006 to respond to the interrogatories and requests for production posed by the other party.
- Unless there is a need to depose expert witnesses or multiple treating physicians, each party shall take no more than six depositions of fact witnesses. The parties agree that each deposition will not exceed 4 hours except that the Defendant shall have the right to depose the Plaintiff Mr. Pione for a total of eight hours. The parties have agreed that they may use the deposition transcripts from the matter captioned, Docket No. 02-BEM02528, pending at the Massachusetts Commission Against Discrimination, for all purposes as if those depositions were noticed and taken in this matter.
- each party shall have until February 28, 2006 to conclude all depositions.

- each party shall have until February 28, 2006, to serve 25 requests for admission
- discovery shall close March 30, 2006 to allow any outstanding discovery issues to be resolved.

**Discovery costs**

The parties have agreed that they shall copy and produce paper documents to the other side at no expense to the other side provided the requests are reasonable. This agreement shall not bar a party from seeking recovery for costs, as allowed by law, at the conclusion of this matter.

**Proposed Schedule for Filing Motions**

- **Discovery Motions:** the parties have agreed that should discovery disputes arise they will attempt to resolve those discovery disputes amongst themselves to the fullest extent possible. If a motion to compel should become necessary. Those motions shall be filed no later than **February 28, 2006**.
- **Motions for Summary Judgment:** all motions for summary judgment shall be filed with this Court no later than **May 30, 2006**.

**Proposed Pre Trial Conference Date at which any Motions for Summary Judgment may be heard: July 27, 2006.**

**Alternative Dispute Resolution:** After decisions on motions for summary judgment, the parties would consider alternative dispute resolution as set forth in Local Rule 16.4. The parties agree to confer regarding alternative dispute resolution after decisions on motions for summary judgment. The parties shall have thirty days to certify to this court after decisions on motions for summary judgment if they will agree to alternative dispute resolution and what form it shall take. If the parties fail to agree to alternative dispute resolution, then the parties shall request a trial date from this Court.

**Trial By Magistrate: The plaintiff will consider trial by magistrate. The Defendant agrees to trial by magistrate.**

Respectfully submitted,

**LARRY PIONE**

By his attorney

/s/ Elise A. Brassil

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Dated: September 16, 2005

**MASSACHUSETTS PORT AUTHORITY,**

By its attorney,

/s/ William V. Hoch

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